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Plaintiff,

07 Civ. 7523 (PKC)

Against
ORDER OF DISMISSAL

Zabar's & Co., Inc.

Defendant

X

The Court having been advised that all claims asserted herein have been settled, it

ORDERED, that the above-entitled action be and is hereby dismissed and discontinued without costs, and without prejudice to the right to reopen the action within thirty (30) days if the settlement is not consummated. Any pending motions are moot.

P. Kevin Castel United States District Judge

Dated: New York, New York May 30, 2008

is